

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 109480
ORIGIN EUR-12

INFO OCT-01 ISO-00 ACDA-07 AGRE-00 AID-05 CEA-01
CEQ-01 CG-00 CIAE-00 EPG-02 COME-00 DLOS-09
DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01
TRSE-00 H-01 INR-07 INT-05 IO-13 JUSE-00 L-03
NSAE-00 NSC-05 NSF-01 OES-07 OMB-01 PA-01 PM-04
PRS-01 SP-02 SS-15 FEA-01 NSCE-00 SSO-00 USIE-00
INRE-00 /119 R

DRAFTED BY EUR/CAN:JHROUSE, JR.
APPROVED BY EUR/CAN:JHROUSE, JR.
-----141657Z 003705 /73
O 141626Z MAY 77
FM SECSTATE WASHDC
TO AMEMBASSY OTTAWA IMMEDIATE

LIMITED OFFICIAL USE STATE 109480

E.O. 11652: N/A

TAGS: CA

SUBJECT: PROTEST NOTE ON MACHIAS SEAL ISLAND BUOY

1. THE FOLLOWING NOTE WAS DELIVERED TO THE CANADIAN EMBASSY IN WASHINGTON ON MAY 13, 1977:
 2. BEGIN TEXT: THE DEPARTMENT OF STATE REFERS TO THE NOTE OF THE EMBASSY OF CANADA NO. 200 OF MAY 6, 1977, AND TO THE RECENT ACTION OF MAY 12, 1977, BY THE CANADIAN GOVERNMENT PLACING A MARKER BUOY IN THE WATERS ADJACENT TO MACHIAS SEAL ISLAND AND NORTH ROCK OFF THE COAST OF THE STATE OF MAINE. THE GOVERNMENT OF THE UNITED STATES STRONGLY PROTESTS THE MANNER IN WHICH CANADIAN AUTHORITIES HAVE ACTED IN THIS INSTANCE, WHICH HAS BEEN ENTIRELY CONTRARY TO THE NORMAL
- LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 109480

PRACTICE OF GOOD RELATIONS BETWEEN THE UNITED STATES AND CANADA.

THIS SITUATION AROSE WHEN UNITED STATES AUTHORITIES WERE REQUESTED BY AMERICAN FISHERMEN AND SAILORS FREQUENTING THE AREA TO PLACE A MARKER BUOY FOR NAVIGATIONAL SAFETY. THE UNITED STATES GOVERNMENT CAREFULLY REVIEWED THE NAVIGATIONAL

NEED OVER SEVERAL WEEKS AND DECIDED ON ACTION ONLY AFTER IT HAD BEEN CONCLUDED THAT MARITIME SAFETY REQUIREMENTS DICTATED THAT SUCH A BUOY BE PLACED IN THIS AREA.

RECOGNIZING -- BUT NOT ACCEPTING -- THAT THE GOVERNMENT OF CANADA, AS WELL AS THE UNITED STATES, CLAIMS SOVEREIGNTY OVER MACHIAS SEAL ISLAND AND NORTH ROCK, AND THAT THE AREA CONCERNED IS A BOUNDARY REGION WITHIN THE MEANING OF THE 1977 RECIPROCAL FISHERIES AGREEMENT AND THUS IS SUBJECT TO THE PROVISIONS OF ARTICLE IX OF THAT AGREEMENT, THE GOVERNMENT OF THE UNITED STATES BELIEVED IT WAS APPROPRIATE TO CONSULT WITH THE GOVERNMENT OF CANADA BEFORE TAKING ACTION TO ESTABLISH A MARKER BUOY. ON APRIL 29, DEPARTMENT OFFICIALS NOTIFIED THE EMBASSY OF CANADA OF ITS INTENTION AND EXPRESSED THE DESIRE TO COOPERATE WITH THE

GOVERNMENT OF CANADA TO ENSURE THAT ESTABLISHMENT OF A MARKER BUOY IN THE AREA WOULD NOT EXACERBATE THE ISSUE OF SOVEREIGNTY. ON MAY 6, 1977, THE CANADIAN GOVERNMENT REQUESTED THE U.S. NOT TO TAKE IMMEDIATE ACTION, INCLUDING PUBLICATION OF A PROCEDURAL NOTICE TO MARINERS, AND BY DIPLOMATIC NOTE ASKED FOR FURTHER INFORMATION REGARDING THE NEED FOR A MARKER BUOY IN THE AREA. DEPARTMENT OFFICIALS RECALLED THE NOTICE TO MARINERS, AND UNDERTOOK TO PROVIDE THE REQUESTED INFORMATION, AND ADVISED THAT THE UNITED STATES GOVERNMENT WOULD RESPOND FORMALLY TO THE CANADIAN NOTE DELIVERED ON THAT DATE.

WITHOUT FURTHER CONSULTATIONS, ON MAY 12, 1977, DEPARTMENT LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 109480

OFFICIALS WERE NOTIFIED THAT ON THE SAME DAY CANADIAN AUTHORITIES WOULD PLACE A MARKER BUOY IN THE AREA. DEPARTMENT OFFICIALS ASKED THAT THIS ACTION NOT BE TAKEN; HOWEVER, THEY WERE ADVISED THAT, REMARKABLY, THE CANADIAN GOVERNMENT WAS UNABLE TO RECALL THE VESSEL THAT WAS TO PLACE THE BUOY.

THESE ACTIONS ON THE PART OF THE CANADIAN GOVERNMENT, IN REQUESTING FORBEARANCE AND INFORMATION AND THEN UNDERTAKING PREEMPTIVE ACTION WITHOUT NOTICE, ARE CONTRARY TO THE SPIRIT OF FAIRNESS AND GOOD WILL WHICH TRADITIONALLY HAS ANIMATED RELATIONS BETWEEN OUR TWO COUNTRIES. THEY ARE ALSO INCONSISTENT WITH THE GENERAL COMMITMENT OF BOTH GOVERNMENTS TO ADVANCE NOTIFICATION AND CONSULTATION AND WITH THE JOINT UNDERTAKING OF MUTUAL FORBEARANCE WHICH HAD BEEN AGREED UPON IN THESE BOUNDARY AREAS.

THE GOVERNMENT OF THE UNITED STATES HAS ENDEAVORED TO ACT IN GOOD FAITH IN ADDRESSING THE MATTER OF NAVIGATIONAL

SAFETY INVOLVED HERE IN THE SAME SPIRIT IN WHICH BOTH SIDES ACTED CONCERNING THE DISPUTED BOUNDARY REGIONS IN THE 1977 RECIPROCAL FISHERIES AGREEMENT. THE REACTION OF THE CANADIAN AUTHORITIES IN THIS INSTANCE MUST INEVITABLY BE TAKEN INTO ACCOUNT AS THE UNITED STATES GOVERNMENT

CONSIDERS THE SEVERAL AREAS WHERE THERE ARE DIFFERENCES OF VIEW AS TO THE JURISDICTIONAL AUTHORITY IN THE AREA.

THE GOVERNMENT OF THE UNITED STATES STRONGLY PROTESTS THE ACTION OF THE GOVERNMENT OF CANADA IN PLACING A NAVIGATIONAL BUOY WITHIN THE TERRITORIAL WATERS OF MACHIAS SEAL ISLAND AND NORTH ROCK AND OBSERVES THAT THIS ACTION BY CANADIAN AUTHORITIES CAN HAVE NO EFFECT ON THE STATUS OF MACHIAS SEAL ISLAND AND NORTH ROCK WHICH ARE SUBJECT TO THE SOVEREIGNTY OF THE UNITED STATES OF AMERICA. THE POSITION OF THE UNITED STATES REGARDING MACHIAS SEAL ISLAND AND LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 STATE 109480

NORTH ROCK HAS MOST RECENTLY BEEN MADE KNOWN TO THE GOVERNMENT OF CANADA IN THE UNITED STATES EMBASSY'S AIDE-MEMOIRE OF SEPTEMBER 15, 1976 AND THE DEPARTMENT'S NOTE OF FEBRUARY 18, 1977 AND ORALLY BUT FORMALLY ON THE OCCASION OF THE RECEIPT OF THE EMBASSY OF CANADA'S NOTE NO. 200 OF MAY 6, 1977. END TEXT CHRISTOPHER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MARINE TRANSPORTATION, FOREIGN RELATIONS, DIPLOMATIC PROTESTS, NAVIGATIONAL AIDS
Control Number: n/a
Copy: SINGLE
Sent Date: 14-May-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE109480
Document Source: CORE
Document Unique ID: 00
Drafter: JHROUSE, JR.
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770171-0580
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770558/aaaabxsm.tel
Line Count: 145
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 2044d593-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 27-Dec-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2522554
Secure: OPEN
Status: NATIVE
Subject: PROTEST NOTE ON MACHIAS SEAL ISLAND BUOY
TAGS: EWWT, PFOR, CA, US
To: OTTAWA
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/2044d593-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009